

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION**

March 1, 2007

DOCKET NO 9-63-06

(CONTINUED FROM FEBRUARY 15, 2007 PUBLIC HEARING)

Change in zoning from R-4 and R-5 Single Family Residential to R-1 and R-3 Single Family Residential on property on 451.303 acres located southeast of Interstate 71 along Indian Hills Trail and Mockingbird Valley Road and being in Metro Louisville. (Split zoning recommendation for property in Subdivision Docket 10-15-07.)

Project Name: Mockingbird Valley Area Wide Rezoning
Location: Various Addresses

Owner/Applicant: Metro Planning and Design Services
444 South Fifth Street 3rd Floor
Louisville, KY 40202

Engineer/Designer: Not Applicable

Project Size/Area: 451.303 acres
Form District: Neighborhood
Zoning District: R-4 and R-5
Jurisdiction: Metro Louisville
Council District: Council District 7, Ken Fleming
Council District 9, Tina Ward-Pugh

Case Manager: Edwin W. Mellett, Planner II

Notice of the initial public hearing appeared in **The Courier Journal** on January 25, 2007. Notices were sent by first class mail to all affected property owners based on Property Valuation Administration records at the time of notice.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the meeting, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

The following spoke in favor of this request:

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Paul Bickel, 402 Mockingbird Valley Road, Louisville, KY

Phil Bills/Melanie Byers, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40222

Susan Leavenworth, 798 Hollingsworth Place, Louisville, KY 40207

Davis Harcourt, 407 Mockingbird Valley Road, Louisville, KY

The following spoke in opposition:

No one spoke.

Interested Parties:

Tony Schnell, 2000 PNC Plaza, Louisville, KY 40202

John Treitz, 2000 PNC Plaza, Louisville, KY 40202

Agency Personnel:

Ed Mellett, Planner II, Planning and Design Services

AGENCY TESTIMONY:

Ed Mellett presented the Commissioners with the following information for the change in zoning from R-4 and R-5 Single Family Residential to R-1 and R-3 Single Family Residential. The Form district (Neighborhood Form District) did not change.

He discussed a subdivision that had already been planned at the time this area wide zoning was proposed. He said a compromise with the developer of that one lot is as follows: the front portion of that property would go R-1 as originally proposed, the rear portion of the lot would go to R-3, with two sets of conditions. The lots around one edge of the property would be built under R-1 specifications (40,000 square foot lots); the lots at the rear of the property on the south edge would be built no smaller than the existing lots shown in the proposal today. The balance of the property would be available for R-3 development. This still needs to come before the Planning Commission for a subdivision plan.

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The rezoning is supported. It will reduce the development potential in a manner that supports the Neighborhood's adopted plan and Comprehensive Plan's goal of protecting environmentally sensitive land from excessive development without adequate review.

Mr. Mellett also said that the area is residentially developed, primarily with single-family homes. There are several historically significant structures located within this area. The terrain is moderate to steeply sloping, providing significant and attractive views, while also limited due to drainage problems and erosion potential. Additionally, the property slopes down to the floodplain of the Ohio River and roads entering the neighborhood from the west are subject to flooding. Narrow, winding private streets provide access to many of the homes in the area and sidewalks for pedestrian mobility are absent.

Staff held two informational meetings for residents of the Mockingbird Valley neighborhood to discuss the zoning proposal on December 12th and 28th of 2006.

SUMMARY OF TESTIMONY OF PROPONENTS:

Paul Whitty and Melanie Byers both signed in but declined to speak. (They stated that they were available to answer questions if needed.)

Susan Leavenworth was called but declined to speak.

Paul Bickel, president of the Mockingbird Valley Preservation Alliance, said his neighborhood group is in favor of this proposal. He feels it will protect this area and maintain its stability. He said this proposal is consistent with and supportive of Cornerstone 2020; also, about 90% of the residents are in favor of this. He said the Alliance is accepting of the compromise worked out with Mr. Ogden for his property.

Davis Harcourt, a Mockingbird Valley Road resident, said the Mockingbird Valley residents are strongly in favor of this proposal.

SUMMARY OF TESTIMONY OF OPPONENTS:

No one spoke.

SUMMARY OF TESTIMONY OF INTERESTED PARTIES:

Tony Schnell said he was representing Mr. Ogden and did not wish to speak at this time, but said he was available for questions if needed.

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REBUTTAL:

No rebuttal was needed since no one spoke in opposition.

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning and Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the March 1, 2007 proceedings.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

Rezoning

On a motion by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the proposed Mockingbird Valley Area Wide amendment to the Zoning District Map to incorporate recommendations of the Mockingbird Valley Neighborhood Plan (June 2006) is in accordance with **Community Form/Land Use** Guideline (Community Form) 1 by providing recommendations to strengthen the Neighborhood form districts; and

WHEREAS, the proposed Mockingbird Valley Area Wide amendment to the Zoning District Map is in accordance with Guideline 3 (Compatibility) by recommendations related to the application of zoning districts that promote development that is compatible with the Neighborhood form District; and

WHEREAS, the proposed Mockingbird Valley Area Wide amendment to the Zoning District Map is in accordance with Guideline 5 (Natural Areas and Scenic and Historic Resources) by encouraging development that respects the natural features of the site and avoid, severe, steep slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with slope and soils problems and to minimize environmental degradation; and

WHEREAS, the proposed Mockingbird Valley Area Wide amendment to the Zoning District Map is in accordance with Guideline 7 (Circulation) by helping to ensure that new developments will not exceed the carrying capacity of streets; and

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WHEREAS, the proposed Mockingbird Valley Area Wide amendment to the Zoning District Map is in accordance with Guideline 10 by recommending lower potential densities for any new development to reduce impervious surfaces; and mitigate negative development impacts to the watershed and its capacity to transport and accommodate storm water; and

WHEREAS, the proposed Mockingbird Valley Area Wide amendment to the Zoning District Map is in accordance with Guideline 11 by encouraging lower density development that will prevent erosion and help control sedimentation; and

WHEREAS, the proposed Mockingbird Valley Area Wide amendment to the Zoning District Map was endorsed by the affected property owners and there were no persons speaking in opposition to the final proposal; and

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative council of the Louisville/Jefferson County Metro Government that the change in zoning **from R-4 and R-5 Single Family Residential to R-1, and R-3 Single Family Residential** on property described in the attached legal description, and as laid out in the staff report, be **APPROVED**.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed Wide Rezoning for Docket No. 9-63-06 as recommended in the staff report and described below:

**9-63-06 Mockingbird Valley Area Wide Rezoning
Legal Description:**

Section I: That the following properties are hereby changed from R-4 Single Family Residential to R-1 Single Family Residential:
Tax Block, Lot and Sub Lots:

001000140000, 001000150000, 001000560000, 001001200000, 001001260000,
001001270000, 001001650000, 001001660000, 001001670000, 001001680000,
001001720000, 001001750000, 001800030014, 001800070000, 001801830000,

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001801940000, 001801950000, 001802050000, 001802070000, 001802090000,
001802100000, 001802110000, 001802120000, 001802200000, 001802220000,
001900010000, 001903310000, 021600110000, 030800010011, 030800020000,
030800060000, 030800070000, 030800080000, 030800120000, 030800140000,
030800150000, 030800170000, 030800180000, 030800190000, 030800200000,
030800220000, 030800270000, 030800280000, 030800310000, 030800330000,
030800340000, 030800350000, 175400010000, 1754007A0000, 175400020000,
1754006A0000, 175400030000, 175400040000, 1754005A0000, 381400010000,
381400020000, 381400030000, 381400040000, 381400050000, 381400060000,
381400070000, 381400080000, 381400090000, 381400100000, 381400110000,
381400120000, 381400130000, 381400140000, 381400150000, 381500160000,
381500170000, 381500180000,

and that part of 001800580000, 001802210000 and 030800160000 currently zoned R-4

and that part of 001802190000 fronting on Mockingbird Valley Road and containing 7.91 acres described below:

Beginning at a point in the south right-of-way line of Mockingbird Valley Road, said point being the northeast corner of subject property, thence continuing east along the south right-of-way line of Mockingbird Valley Road S 52°43'51" E, 113.60 feet to a point, thence North 65°23'09" East, 22.00 feet to a point, thence South 56°25'59" East, 314.91 feet to a point, thence leaving said right-of-way line South 40°03'28" West, 53.03 feet to a point, thence South 39°08'09" West, 235.70 feet to a point, thence South 25°35'09" West, 439.95 feet to a point, thence North 81°23'47" West, 265.32 feet to a point, thence North 50°24'42" West, 250.30 feet to a point, thence North 42°17'36" West, 30.31 feet to a point, thence North 44°55'19" East, 425.59 feet to a point, thence North 27°53'27" East, 374.50 feet to the point of beginning and containing 7.91 Acres more or less.

Section II: That the following properties are hereby changed from R-5 Single Family Residential to R-1 Single Family Residential:
Tax Block, Lot and Sub Lot:

That part of 001802210000 currently zoned R-5.

Section III: That the following properties are hereby changed from R-4 Single Family Residential to R-3 Single Family Residential:

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Tax Block, Lot and Sub Lot:

That part of 001802190000 containing 11.28 acres described below

Beginning at a point in the south right-of-way line of Mockingbird Valley Road, said point being the northeast corner of subject property, thence continuing east along the south right-of-way line of Mockingbird Valley Road S 52°43'51" E, 113.60 feet to a point, thence North 65°23'09" East, 22.00 feet to a point, thence South 56°25'59" East, 314.91 feet to a point, thence leaving said right-of-way line South 40°03'28" West, 53.03 feet to a point, thence South 39°08'09" West, 235.70 feet to a point, thence South 25°35'09" West, 439.95 feet to the true point of beginning, thence South 02°43'21" East, 559.69 feet to a point, thence South 22°13'09" West, 255.00 feet to a point, thence North 28°59'47" West, 80.00 feet to a point, thence North 72°08'25" West, 405.97 feet to a point, thence South 87°48'09" West, 205.26 feet to a point, thence North 02°11'51" West, 55.24 feet to a point, thence North 00°17'09" East, 99.99 feet to a point, thence North 04°53'19" East, 104.92 feet to a point, thence North 09°36'04" East, 99.92 feet to a point, thence North 19°52'39" East, 289.48 feet to a point, thence North 30°04'09" East, 99.78 feet to a point, thence North 38°34'54" East, 116.26 feet to a point, thence South 50°24'42" East, 250.30 feet to a point, thence South 81°23'47" East, 265.32 feet to the true point of beginning and containing 11.28 Acres more or less.

Specific limitations on lot size in the R-3 zoned land described in Attachment A: Ogden agreement Docket Nos. 9-63-06 and 10-15-06 have been incorporated into Zoning Docket 9-63-06 for reference and Mockingbird Springs subdivision plan (Docket 10-15-06) as a letter of agreement regarding the rezoning of this property. A copy is attached as Attachment A.

The vote was as follows:

YES: Commissioners Ernst, Carlson, Storm, Queenan, Abstain, Wells-Hatfield, Hamilton, and Blake.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Howard.